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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/661,360 | 09/14/2000 | James P. Hickey | 10004339-1 | 9255 |

22879 7590 05/21/2004

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EXAMINER

LIN, WEN TAI

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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2154

DATE MAILED: 05/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/661,360

Applicant(s)

HICKEY ET AL.

Examiner

Wen-Tai Lin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 16-17 is/are rejected.
- 7) ☒ Claim(s) 9-15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 September 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-17 are presented for examination.
2. The text of those sections of Title 35, USC code not included in this action can be found in the prior Office Action.

Claim Rejections - 35 USC § 102

3. Claims 1-2 and 16-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Ote et al.[U.S. Pat. No. 6199180].
4. As to claim 1, Ote teaches the invention as claimed including: a method for logging event data from at least one operable application program or at least one peripheral device [12, Fig.1A] operably connected in a network to a server [col.1, lines 8-23; 161, Fig.1A; i.e., the network OS function as server] using a log manager device driver, the logged event data comprising a log manager file [12113, Fig. 5A; 5054-5055, Fig.11; col.7, lines 21-50] that can be used to perform network diagnostics and troubleshooting [17, 19, Fig.1A; col.4, lines 46-67], said method comprising the steps of:
 - registering said log manager device driver with said server to receive all incoming event data and as a device driver for said log manager file [col.7,

lines 21-61; note that both the agent 17 and the SVP driver 19 must be registered with the OS otherwise these two modules won't be recognized by the OS] ;

- receiving said event data by said log manager device driver [col.7, lines 31-35]; and
- responding to a download request for event data from a requesting computer by said log manager device driver, so that said requesting computer can use said log manager file to perform diagnostic or troubleshooting activities [col.7, line 62- col.8, line 7].

5. As to claim 2, Ote further teaches that said receiving step further comprising the steps of:

- waiting for event data from said at least one application program or said at least one peripheral device by said log manager device driver; and sending event data to said log manager device driver by said at least one application program or said at least one peripheral device [col. 7, lines 51-61].

6. As to claims 16-17, since the features of these claims can also be found in claims 1, they are rejected for the same reasons set forth in the rejection of claims 1 above.

Claim Rejections - 35 USC § 103

7. Claims 3-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ote et al.(hereafter "Ote")[U.S. Pat. No. 6199180], as applied to claims 1-2 and 16-17 above.

8. As to claim 3, Ote further teaches that said method further comprising the step of saving said event data in an event recorder by said log manager device driver [col.7, lines 31-35 and 51-61].

Ote does not specifically teach that the event is stored in a queue. However, storing critical events in a queue is well known in the art and it is an obvious option for Ote's collected events to be stored in a queue because by doing so the events can be retrieved in accordance with its occurring sequence.

9. As to claim 4, Ote further teach deleting an oldest event data from said event queue to make available space for new event data when said event queue is full by said log manager device driver [col.7, lines 35-41].

10. As to claim 5, Ote further teaches that said method further comprising the step of:

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- sending a download request for log manager file to said server by said requesting computer;
- determining whether said server received said download request by said requesting computer and opening said log manager file from said log manager device driver if said server received said download request by said server [Fig.9]; and
- returning and displaying an error message if said server did not receive said download request by said requesting computer [5055, Fig.11].

11. As to claim 6, Ote TT the returning step further comprising the step of displaying said error message to the user of said requesting computer by said requesting computer [col.7, lines 44-50].

12. As to claims 7-8, Ote further teaches that said opening step further comprising the steps of:

- determining, by said server, whether said log manager file was successfully opened from said log manager device driver;
- returning an error message to said requesting computer when said log manager file was not successfully opened by said server; and
- reading said event data stored in said event queue when said log manager file was successfully opened by said server.

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[5033, Fig.9; col.5, line 46- col.6, line 5; i.e., in critical situations when access of the event data could not be attained via the OS, access of such data is still made possible by the direct connection to the SVP board].

13. Claims 9-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Mealey et al. [US pat. 5958049]; and

Morishita et al. [US pat. 5957190].

15. Applicant's arguments with respect to claims 1-8 and 16-17 on 3/29/2004 have been considered but are moot in view of the new ground(s) of rejection.

16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

17. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wen-Tai Lin whose telephone number is (703)305-4875. The examiner can normally be reached on Monday-Friday (8:00-5:00) .

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (703)305-8498. The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

(703)872-9306 for official communications; and

(703)746-5516 for status inquires draft communication.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

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Wen-Tai Lin

May 13, 2004

Wen-Tai Lin

5/13/04